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MAY 06 2005

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD J. FINLEY,

Defendant.

NO. 2:05-CV-00880-FCD-JFM

STIPULATION FOR SETTLEMENT
OF CLAIMS AND DISMISSAL;
DISMISSAL

(PS) United States of America v. Finley

Doc. 19

It is stipulated between the parties as follows:

1. The parties desire to completely resolve, settle and forever put to rest all claims and actions in any way arising out of or related to defendant Finley's criminal prosecutions.

2. Plaintiff United States agrees to settle and waive all claims against defendant Finley alleged in the Complaint filed in this case, including all civil penalties and statutory damages.

3. Plaintiff United States further agrees to dismiss the present case with prejudice.

4. In return for plaintiff's agreements set forth in Paragraphs 2 and 3 above, defendant Finley agrees as follows:

1 a. To settle and waive all claims of any kind, including
2 tort claims for damages under the Federal Tort Claims Act, claims
3 for constitutional torts under Bivens, claims under the U.S.
4 Constitution, and claims under any federal or state statute or law,
5 against the Honorable William B. Shubb, Assistant U.S. Attorney John
6 K. Vincent, any of the individuals listed on the "List of We"
7 attached to Financing Statement No. 05-7021408411, or any other
8 federal official or employee related in any way to his criminal
9 prosecutions.

10 b. Not to present, file or pursue any clam, administrative
11 action or legal action of any kind with any entity against the
12 Honorable William B. Shubb, Assistant U.S. Attorney John K. Vincent,
13 any of the individuals listed on the "List of We" attached to
14 Financing Statement No. 05-7021408411, or any other federal official
15 or employee related in any way to his criminal prosecutions.

16 5. Defendant Finley does hereby waive to the fullest extent
17 permissible under law any and all rights under Section 1542 of the
18 California Civil Code, which reads as follows:

19 A general release does not extend to claims
20 which the creditor does not know or suspect to
21 exist in his favor at the time of executing the
22 release, which if known by him must have
materially affected his settlement with the
debtor.

23 The provisions of all comparable, equivalent, or similar
24 statutes and principles of common law of California, of the other
25 states of the United States, and of the United States also are
26 hereby expressly waived by defendant Finley to the same extent.

27 6. Each party bears its own attorney fees and costs.
28

1 DATED: 5-6-05

2 MCGREGOR W. SCOTT
3 United States Attorney

4 By:

John F. Giska
JOHN F. GISLA
Assistant United States Attorney
Attorneys for the United States

7 DATED: 5/6/05

Richard J. Finley
RICHARD J. FINLEY
Defendant
In Propria Persona

10
11 DISMISSAL

12 Pursuant to the foregoing stipulation, and for good cause, this
13 case is dismissed with prejudice, with each party bearing its own
14 attorneys fees and costs.

15 DATED: 5/6/05

Lawrence R. Kariton
LAWRENCE R. KARITON
SENIOR JUDGE
UNITED STATES DISTRICT COURT